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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Fernando Segoviano Almanza,
10 Petitioner,
11 v.
12 Charles L. Ryan, et al.,
13 Respondents.

No. CV-15-02064-PHX-DLR

ORDER

15 Pending before the Court is Petitioner Fernando Segoviano Almanza's Motion to
16 Enforce Judgment (Doc. 141).

17 **WHEREAS**, on March 16, 2023, this Court issued a conditional writ of habeas
18 corpus invalidating Mr. Almanza's conviction for sexual conduct with a minor in Pinal
19 County Superior Court Case Number CR201103026 (Doc. 137);

20 **WHEREAS**, this Court ordered the State of Arizona to release Mr. Almanza from
21 all custody as a result of that conviction, unless he was retried and convicted within 90
22 days of the date of that order (Doc. 137 at 6);

23 **WHEREAS**, judgment was entered consistent with that order (Doc. 140);

24 **WHEREAS**, the State of Arizona has begun retrial proceedings against Mr.
25 Almanza in Pinal County Superior Court Case Number CR201103026, but has not yet
26 retried and convicted him in that matter, despite more than 90 days elapsing since this
27 Court's order and judgment (see Docs. 142-4, 143-1);

28 **WHEREAS**, Mr. Almanza remains in state custody, in the Pinal County Jail, with

1 his release subject to posting of bond of \$100,000 (Docs. 142-5, 142-8);

2 **WHEREAS**, at oral argument held on July 13, 2023, counsel for Respondents
3 stated they do not oppose Mr. Almanza's release from Pinal County Jail, subject to
4 supervision and electronic monitoring enforced by the Pretrial Services Agency of the
5 Pinal County Superior Court.

6 **IT IS ORDERED** that the motion is **GRANTED IN PART**.

7 **IT IS FURTHER ORDERED** that an unconditional writ of habeas corpus is
8 issued directing Mr. Almanza's immediate release and discharge from the custody of
9 Pinal County Jail.

10 **IT IS FURTHER ORDERED** that Mr. Almanza's release is to be without bond,
11 and without prejudice to the State of Arizona's continued prosecution in Pinal County
12 Superior Court Case Number CR201103026.

13 **IT IS FURTHER ORDERED** that upon his release, Mr. Almanza shall report to,
14 and be subject to the standard supervision restrictions and conditions of the Pretrial
15 Services Agency of the Pinal County Superior Court.

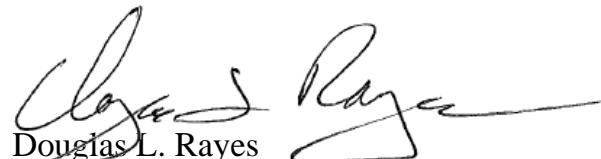
16 **IT IS FURTHER ORDERED** that the terms of Mr. Almanza's supervision shall
17 also include electronic monitoring, subject to the discretion of and enforcement by
18 Pretrial Services Agency of the Pinal County Superior Court.

19 **IT IS FURTHER ORDERED** that the Pinal County Superior Court hold a
20 hearing to address and impose conditions of supervised released not inconsistent with this
21 order.

22 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to mail a
23 copy of this order the Pinal County Superior Court.

24 Dated this 17th day of July, 2023.

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Douglas L. Rayes
United States District Judge